

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:09-CV-92-RLV-DSC**

MATT JENKINS,

Plaintiff,

v.

**RECEIVABLES PERFORMANCE MANAGEMENT,
LLC,**

Defendant.

**STIPULATION AND CONSENT
ORDER RESPECTING
CONFIDENTIALITY OF
DISCOVERY MATERIALS**

IT IS HEREBY ORDERED, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and by consent of the parties, that any person subject to this Stipulation and Consent Order Respecting Confidentiality of Discovery Materials shall adhere to the following terms:

1. For purpose of this Order, the term “confidential information” shall refer to information that a party believes, in good faith, reflects confidential commercial information or other proprietary business or financial information or sensitive personal or private information about the parties or their current or former employees within the meaning of Rule 26(c) of the Federal Rules of Civil Procedure.

2. Specifically, documents requested by Plaintiff from Defendant pertaining to training materials of its employees, or records of training provided to or received by its employees, constitute confidential information as defined above.

3. Any documents a party considered confidential information, and produced during the course of this litigation, shall be marked with the designation “CONFIDENTIAL.”

4. The parties, their counsel, designees or representatives may use documents designated as “CONFIDENTIAL” for purposes of this litigation alone. As such, a party may

disclose such information to his attorney or any person who is retained by a party or his attorney to assist in the preparation of this matter for trial.

5. Subject to this Order, and other applicable laws and regulations, the parties, their counsel, designees or representatives shall not reveal information designated as "CONFIDENTIAL" to any person outside this litigation and shall keep such information confidential.

6. If at any time prior to the trial of this action, a producing party realizes that a document constitutes confidential information, the party may so designate that information as confidential by apprising all parties to this litigation in writing. Such designated documents will thereafter be treated as confidential information under the terms of this agreement.

7. The parties' attorneys shall be responsible for ensuring that any person receiving confidential information is bound by the terms of this Order and maintains the confidentiality of such information.

8. If either party objects to the designation of documents or other materials as confidential information, the party shall notify the designating party in writing of the objection. The parties shall confer in good faith regarding any dispute over designation. If the parties are unable to resolve such a dispute, either party may ask the Court to make a determination on the confidential nature of the information.

9. Any confidential information submitted to, presented to, or filed with the Court shall be filed under seal and shall not be made available to persons other than the Court and persons authorized by this Order.

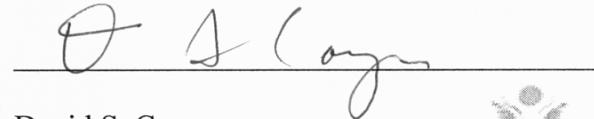
10. This Stipulation and Order shall not prejudice the rights of the parties to otherwise object to or oppose production of documents or information on any grounds other than confidentiality.

11. At the completion of this action, any documents or information designated as "CONFIDENTIAL" throughout the course of this litigation shall be destroyed, or, on request of the producing party, the opposing party shall return said information to the producing party.

12. This Court shall retain jurisdiction over all persons subject to this Order to the extent necessary to enforce any obligations arising hereunder or to impose sanctions for any contempt thereof.

SO ORDERED.

Signed: December 1, 2010



David S. Cayer
United States Magistrate Judge



WE CONSENT:

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